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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/698,265	10/30/2000	Marc Iacovelli	8209.506	6648

7590 01/15/2002

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6550 Rock Spring Drive
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EXAMINER

RHEE, JANE J

ART UNIT	PAPER NUMBER
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1772

DATE MAILED: 01/15/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/698,265

Applicant(s)

IACOVELLI ET AL.

Examiner

Jane J Rhee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) ____ is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s) ____
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 102

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

1. Claims 1,2,8,9,11-13 are rejected under 35 U.S.C. 102(e) as being unpatentable by Hussaini et al (des 429679).

Hussaini et al. discloses a vehicle floor mat comprising a molded flexible mat having a front surface with a raised peripheral lip provided on side edges of the molded mat; a first area contained within the peripheral (figure 1), the first area having a recessed bottom surface and a plurality of raised protrusions extending from the bottom surface thereby providing a texturized surface (figure 1); a second area contained within the peripheral lip, the second area having a second texturized surface pattern different from the first pattern, wherein the first area of the molded mat generally covers the upper section and a lower section of the substantial floor area of the mat, and the second area of the molded mat generally covers a middle section of the substantial floor area of the mat; and at least one wear plate fixed upon a recessed bottom surface of the first area of the molded mat (figure 1). Hussaini et al. discloses that the second area is contained within the peripheral lip, the second area having a recessed floor and a plurality of raised bumps on the recessed floor in between the parallel ridges. Hussaini et al. discloses a floor mat that at least one wear plate is surrounded at its edges by a

contoured wall, raised and extending up from the bottom surface. Hussainit et al. discloses a floor mat that at least one wear plate comprises a toe plate located in the upper section of the mat and a heel plate located in the lower section of the mat (figure 1). Hussainit et al. discloses that the floor mat further comprises a backside of the molded mat, the backside having at least one gripping section for gripping the vehicle floor, the gripping section having a plurality of outwardly extending protrusions (figure 3 or 4). Hussainit et al. discloses a floor mat wherein at least one gripping section located on the backside of the mat opposite the wear plate fixed to the front surface of the mat (figure 3 or 4).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 3-7 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hussaini et al (des 429679).

Hussaini et al discloses that the second area of the floor mat comprises a plurality of raised bumps on the recessed floor and parallel ridges (figure 1). Hussainit et al. discloses a floor mat wherein the first area of the molded mat generally covers an upper section and a lower section of a substantial floor area of the mat, and the second area of the molded mat generally covers a middle section of the substantial floor area of the mat. Hussaini et al. discloses a floor mat wherein at least one wear plate comprises

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a heel plate located in the lower section of the mat and a toe plate located in the upper section of the mat. Hussainit et al. fails to disclose that in the second area the plurality of raised bumps on the recessed floor are in between the parallel ridges. Hussainit et al. also fails to disclose a floor mat wherein at least one wear plate comprises a metal plate having a texturized surface pattern.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to have provided a floor mat wherein the second area, the plurality of raised bumps on the recessed floor are in between the parallel ridges since it has been held that rearranging parts of an invention involves only routine skill in the art absence of showing unexpected result. In re Japikse, 86 USPQ 70.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have provided a metal plate having a texturized surface pattern since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. In re Leshin, 125 USPQ 416.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jane J Rhee whose telephone number is 703-605-4959. The examiner can normally be reached on M-F.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 703-308-4251. The fax phone numbers for

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the organization where this application or proceeding is assigned are 703-305-5408 for regular communications and 703-301-9999 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

Jane Rhee
January 9, 2002


HAROLD PYON
SUPERVISORY PATENT EXAMINER
1772 1/9/02